

REMARKS

Claims 1-28 were pending in the Office Action. Upon entry of the present paper, claims 1-3, 5, 7-11, 13, 18, 20, 23 are amended, claims 4, 6, 16-17 are canceled without prejudice or disclaimer, and new claims 29-31 are added. No new matter is added.

In the Office Action, claims 1-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over an alleged three-way combination of Ermel et al. (U.S. Patent No. 5,835,094), Edelman et al. (U.S. Patent No. 5,680,563), and Mander et al. (U.S. Patent No. 6,243,724). This rejection is respectfully traversed below, especially insofar as it may be applied to the claims as amended.

I. Independent Claim 1 and Dependent Claims 2-3, 5, 7-12 and 29

Amended independent claim 1 recites, among other features, the following:

comparing the stack size with a predefined range of stack icon sizes, wherein said range is subdivided into at least three stack size sub-ranges;
identifying one of the sub-ranges into which the determined stack size falls; and
retrieving a predetermined stack icon that has been assigned to the identified sub-range

None of the cited references teach or suggest such a method, with the recited comparison with a predefined range of stack icon sizes, wherein the range is subdivided into at least three stack size sub-ranges. The Office Action concedes that the first two references, Ermel et al. and Edelman, fail to teach or suggest the previously-recited use of stack sizes, and cites Mander et al. to address this deficiency. Mander et al. describes a system that generates “piles” of icons, and which performs text analysis to attempt to classify the files in the pile based on the keywords that they contain. Mander et al.

describes this analysis as determining the “vector” (the collection of words that appear most often in the documents) for the pile. See generally, col. 24, line 8 (description of Fig. 15 process).

Mander et al. does not give much detail on how the appearance of its pile icons is actually determined, although Mander et al. does state that a special animation is shown when a pile is first created (col. 9, lines 10-11), and that the piles are dynamically represented such that the pile changes height each time a document is added/removed (col. 7, lines 35-38). From this, it should be apparent that Mander et al. does not teach or suggest the features of amended independent claim 1. Specifically, Mander et al. does not “compare” a stack size with a “predefined range of stack sizes,” as recited. When a new document is added in Mander et al., the pile height is increased, and when a document is removed, the pile height is decreased. There is no need for such a comparison, since Mander et al. always adjusts the pile height when files are added/removed. Indeed, Mander et al. depends on its pile height to allow users to select documents from within the pile based on where they click in the displayed pile. See, e.g., col. 7, lines 40-51 (discussing height ratios). There certainly is no teaching or suggestion of the at least three stack size sub-ranges, or of retrieving a predetermined stack icon that has been assigned to the identified sub-range, also recited in amended claim 1. To the contrary, the fact that the Mander et al. pile height is changed every time a document is added or removed teaches away from having a predetermined stack icon that has been assigned to an identified sub-range.

In view of the above, claim 1 is patentably distinguishable from the combination of Ermel et al., Edelman, and Mander et al. Claims 2-3, 5, 7-12 and 29 depend from

claim 1, and are distinguishable for at least the same reasons as claim 1, and further in view of the various features recited therein. For example, claim 5 recites that a sub-range is a maximum range identified by a minimum size. The Office Action cites Mander et al., Fig. 18b, for this maximum range identified by a minimum size. Specifically, the Office Action refers to determining the number of subpiles. In this portion of Mander, et al., the reference discusses how a user can limit the number of sub-piles that will be generated when a pile is broken up into sub-piles. What is the minimum size of this alleged maximum range? Mander et al. does not teach or suggest such a minimum size, and does not identify any “maximum range” using such a minimum size.

As another example, new claim 29 depends on claim 10, and recites that the overlay is a symbol provided by an application that owns the file type. In rejecting claim 10, the Office Action cites the view window 190 of Mander et al. (Fig. 4e), and the “Doc2” label in Figs. 5 and 6 of Ermel et al. as showing overlays. The Mander et al. view cone is not a “persistent overlay” as recited in amended claim 10, since the view cone only appears after the user hovers over the underlying icon 186. See, e.g., col. 9, lines 57-59. Mander et al. also does not teach or suggest that the view cone (or its contents) include a “symbol provided by an application that owns the file type,” as recited in new claim 29. The Ermel et al. “Doc2” label is also not such a symbol, since it appears to just be the name of file 16b.

II. Independent Claim 13 and Dependent Claims 14-15, 18-22 and 30-31

Independent claim 13 has been amended to incorporate the language found in claims 16 and 17, which previously depended from claim 13. Claim 17 previously

recited, and amended claim 13 now recites, among other features “assigning a first size range to a first one of said predefined stack icons.” The Office Action cites the Mander et al. pile for this feature, referring to the fact that Mander et al. dynamically increases and decreases the pile as documents are added to and removed from the pile. There is no such assignment of a size range to a predefined stack icon. The Mander et al. pile simply increases by one for each file added, and there is no teaching or suggestion that the Mander et al. icon will be assigned a size range.

Claim 13 also recites “assigning a minimum size to a third one of said predefined stack icons, said third one of said predefined stack icons being a maximum size icon.” The Office Action cites the same dynamic pile height in Mander et al. for this feature. As discussed above, what is the minimum size of Mander et al.’s alleged maximum size icon? There is no teaching or suggestion of such a minimum size of a maximum size icon.

Claim 13 also recites “step of selecting comprises the step of comparing a size of said plurality of files with said first range or said minimum size.” The Office Action cites the same Mander et al. pile height change discussed above, but there is no explanation of how, or why, Mander et al. would even do such a selecting. Mander et al. does not disclose comparing a size of a plurality of files with a first range or a minimum size. The dynamic adjustment of Mander et al.’s pile height simply increases or decreases the height with each document added or removed – no comparison is shown or needed in Mander et al.’s system.

For at least these reasons, amended claim 13 distinguishes over the art of record, and is in condition for allowance. Claims 14-15, 18-22 and 30-31 depend from claim 13,

and are distinguishable for at least the same reasons as claim 13, and further in view of the various features recited therein.

III. Independent Claim 23 and Dependent Claims 24-28

Amended independent claim 23 recites, among other features, “comparing the stack size to a plurality of stack size boundaries that divide a stack size range into three or more sub-ranges.” None of the cited references teaches or suggests the claim 23 method with such a feature. The Office Action concedes that the other references, Ermel et al. and Edelman, do not teach or suggest using stack size to generate stack icons, and the Mander et al. pile heights have no disclosed range or sub-ranges, and no such stack size boundaries. The Mander et al. pile height simply increases or decreases by one for each file that is added or removed from the pile, and no boundaries or ranges are described or used.

For at least these reasons, amended independent claim 23 is distinguishable over the cited references. Claims 24-28 depend from claim 23, and are distinguishable for at least the same reasons as claim 23, and further in view of the features recited therein. For example, claim 24 recites that each stored set of default icons comprises a plurality of stack icons, each icon corresponding to a different range of stack sizes. None of the cited references discloses such icons corresponding to a different range of stack sizes.

IV. Conclusion

For at least the above reasons, Applicants submit that the pending claims are distinguishable over the art of record, and are in condition for allowance. However, if the Examiner feels that additional discussion and/or amendment would be helpful, the

Examiner is invited to telephone Applicants' undersigned representative at the number appearing below.

Respectfully submitted,

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